Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: March 21, 1956

FROM : L. B. Nichols

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10-30-90 BY SP1 [redacted]

SUBJECT: JESUS DE GALINDEZ
INFORMATION CONCERNING
INTERNAL SECURITY

Warren Olney

Tolson
Boardman
Nichols
Belmont
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

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Warren Olney called and stated he had another question that had arisen on a kidnaping matter which he would like to come up and discuss. I saw him immediately.

He has a telegram addressed to the Attorney General referring to the disappearance of DeGalindez signed by the names of eleven different organizations which included the American Civil Liberties Union, which requested the FBI to make a searching investigation under the kidnap statute.

I told Mr. Olney that we had sent a memorandum to the Attorney General, Rogers and him today, and I read him the memorandum which concludes by pointing out there is no indication that DeGalindez' disappearance was connected with any assistance he had rendered to the Bureau as an informant and, likewise, up to this time, there is no indication of a violation over which the Bureau has jurisdiction; that the New York Police were working on this and keeping the Bureau informed, and that "in the absence of a request from you to do so, no investigation is contemplated."

Olney wanted to discuss how to answer the telegram. I told Olney that it seemed to me that the only way to answer it was to state that on the basis of available information, there is no indication of any violation within our jurisdiction and that in the absence of evidence indicating a violation, it would be improper for the FBI to conduct investigative activity, although the FBI is keeping in close touch with the New York Police Department; and in the event there is any information or evidence available indicating a violation, then it should be called to our attention. Olney stated he thoroughly concurred that this is the proper approach and that our action was correct in not getting involved in the case.

He then stated, however, that by our phraseology "in the absence of a request from you to do so, no investigation is contemplated," this, in the hands of someone who did not know the real intent, could conclude that the Bureau was willing to investigate but that it was up to the Department. I told Olney there

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cc: Mr. Boardman
Mr. Belmont
Mr. Rosen

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was no such intent as this; that what we were saying was that we were making no investigation unless we were specifically directed to do so by the Department and that this phraseology was used out of deference to the Department as the policy-making organization. Olney did not agree. I told him that the only reason in the world that we would use such phraseology in a purely informative memorandum was to put the Department on notice we were doing nothing for the reasons stated unless advised to the contrary. I told Olney that we couldn't leave the matter hanging up in the air and I asked him what kind of phraseology would he suggest.

Olney suggested that we merely state that the Bureau is not taking action for the reasons stated since there is no jurisdiction; that this would then not require an answer unless the Department had some contrary view, in which event, they could then come back to the Bureau.

I think that Olney's observation was a quibble. And so told him I frankly, however, can see no harm when we send an informative memorandum such as this to the Department to point out that on the basis of available facts reflecting no violation within our jurisdiction that we are taking no further action. This certainly would put the Department on notice, if our interpretation was incorrect, Then we could reserve the phraseology in the absence of a request, no investigation is contemplated to those matters wherein we desire a specific answer from the Department.

No. We will continue the use of the language he now objects to. If he doesn't like it then the only other alternative is to submit facts to Dept & let them decide if it is within our jurisdiction. They will then really be holding the bag for FBI will refuse to express any views as to jurisdiction. H